IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.879 OF 2005

ALONG WITH

CIVIL APPLICATION NO.1409 OF 2005

Smt.Ambubai w/o.Raghunath Mali & Ors...Appellants

Versus

Smt.Putalabai w/o.Dattatraya Vhatkar

& Ors. ...Respondents

.....

Mr.Dilip Taur for Ms.Varsha Palav & Ms.Monica Khade for Appellants.

Mr.A.M.Kulkarni for Respondent No.1 to 8.

.....

CORAM: A.M.KHANWILKAR, J.

JANUARY 13, 2006.

P.C.

1. Heard Counsel for the parties. Indeed, the Appellate Court has reversed the finding reached by the Trial Court insofar as execution of subject Agreement of Sale. That, however, does not militate against the Respondents, as both the

Courts below have concurrently found as of fact on appreciating the evidence on record that the Appellants failed to prove that they were ready and wiling to perform their part of the contract. Counsel for the Appellants, however, would submit that the finding so reached by the Courts below is unacceptable. That cannot be the basis to entertain the second appeal. This court is bound by the concurrent finding of fact reached by the two courts below. The finding so reached cannot be said to be perverse but is a possible view. If it is so, the Appeal is devoid of merits. No substantial question of law is raised. Hence dismissed.

A.M.KHANWILKAR, J.